

the vacuum chamber,

wherein the grip surface of the handle and the activation surface of the vacuum pump are in a proximity such that a single human hand can grasp both the grip surface and the activation surface simultaneously,

wherein compression of the activation surface of the vacuum pump towards the grip surface of the handle reduces the volume within the vacuum chamber.

### **REMARKS**

Claim 8 stands rejected under 35 USC 112. The Examiner states in the Detailed Action that the claim 8 improperly identifies a trademark name in the claim. Claim 8 has been amended to more clearly state the KIWI pump by identifying the KIWI pump in claim-form. Applicant has included with this application a photocopy of a KIWI pump device description that has affixed to it U.S. Patent No. 6,074,399, from which the claim language has been lifted. Thus, since the term KIWI is synonymous with at least the language of the U.S. Patent No. 6,074,399, which is known in the prior art, no new matter has been added and withdrawal of the objection to claim 8 under 35 USC 112 is respectfully requested.

In addition, in the Detailed Action the Examiner rejects claims 1-7, and 9-12 under 35 USC 102 as being anticipated by *Gutierrez*, which is said to teach each and every element of the invention as taught by the Applicant in claims 1-7, and 9-12. *Gutierrez* teaches a hydraulically operated bed for use with a decompression system. Claim 1 has been amended to clarify the invention by more clearly defining that a vacuum device couples to a fetus, as discussed in the specification at at least page 7, lines 10-16. This clarification clears any confusion between the mother-coupled bag of *Gutierrez* and the fetal-coupled device of the Applicant. In fact, *Gutierrez* never discusses coupling a device to a fetus. Furthermore, *Gutierrez* never identifies the problem of fetal hemorrhaging, which is solved by the Applicant's invention. Accordingly, withdrawal of the rejection under 35 USC 102 based on *Gutierrez* is respectfully requested.

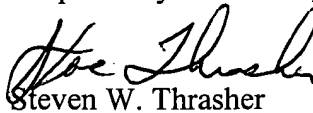
Furthermore, in the Detailed Action, claims 13-20 stand rejected under 35 USC 102 as being anticipated by *Wallace*. *Wallace* is said to teach each and every element of the invention as taught by the Applicant. Applicant respectfully disagrees with the examiner's characterization of the device of *Wallace*. The Examiner states that *Wallace* teaches a pump-attachable device that is coupled to an air cavity in an extraction device, which detects and records an air pressure. However, *Wallace* teaches a system for sensing a traction force (claim 1, and column 7, lines 9 - 14) in a vacuum extraction device, via a coupling that attaches to a cable in the extraction device (see claim 1, and column 5, lines 8-15). *Wallace* does not teach, show or suggest coupling an air pressure detector to an air cavity as described by applicant in claim 13. Although a traction force is one force that can harm a fetus, a traction force is a function of a "pull" on an extraction device. Air pressure is a different force that is placed on a fetus, which may cause fetal hemorrhaging independent of any "pull" on an extraction device (even with literally no traction force being applied). Air pressure related fetal hemorrhaging is not even identified by *Wallace*, thus *Wallace* can hardly be said to solve the problem of vacuum pressure induced fetal hemorrhaging. This clarification clears any confusion between the traction force of *Wallace* and the air pressure detection of the Applicant. Accordingly, withdrawal of the rejection under 35 USC 102 based on *Wallace* is respectfully requested.

In summary, claim 9 has been cancelled, and independent claims 1, 6, and 13 are now believed to be in condition for allowance. In addition, since all independent claims are now in condition for allowance it is noted that each dependent claim is also in condition for allowance, and thus allowance of each dependent claim is also requested. Other references made of record but not relied upon in the Office Action are considered no more relevant to the invention than the reference relied upon by the Examiner.

Thus, it is believed that pending Claims 1-8, 10-20 are allowable, and allowance of said claims is respectfully requested. If the Examiner has any other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by

Examiners Amendment where possible.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Thrasher", written over the printed name.

Steven W. Thrasher

Reg. No. 43,192

Attorney for Applicant

Thrasher Associates, LLC  
391 Sandhill Dr., Suite 1600  
Richardson, Texas 75080  
Tel: (972) 918-9312  
Fax: (972) 231-2686



VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1 and 6 have been amended as follows:

1. (Amended) A device for enabling the recording of a pressure produced by a vacuum device, the vacuum device enabled to couple to a fetus, comprising:
  - a cable that is attachable to a monitor, the monitor being enabled to record a detected pressure; [and]
  - a pressure detection device coupled to the cable, the pressure detection device capable of being coupled to a tubing such that the pressure detection device is enabled to detect a pressure in the tubing; and
  - the tubing being coupled to a suction device, the suction device being attachable to a fetus.
  
6. (Amended) A method of using a recording device to record a pressure in a vacuum device, a vacuum device enabled to couple to a fetus, comprising:
  - placing the vacuum device on a fetus, the space between the fetus and the vacuum device defining a pressure in a vacuum device;
  - coupling the recording device to the vacuum device; and
  - recording the pressure to produce a record.
  
8. (Amended) The method of claim 6 wherein the vacuum device employs a [KIWI] pump to generate a vacuum[.], the pump being a vacuum extractor, comprising:
  - a vacuum cup having a cup portion for application to a fetus, the cup portion defining a cup chamber;
  - a handle connected to the vacuum cup, the handle including a grip surface, the handle for maneuvering the vacuum cup; and
  - a vacuum pump defining a vacuum chamber fluidly couplable to the cup chamber,
  - wherein the vacuum pump includes an activation surface for creating a vacuum in the vacuum chamber,
  - wherein the grip surface of the handle and the activation surface of the vacuum

\_\_\_\_\_ wherein compression of the activation surface of the vacuum pump towards the grip surface of the handle reduces the volume within the vacuum chamber.